

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/19/07

RONALD LAURIA,

Plaintiff,

-against-

THE CITY OF NEW YORK, "JOHN DOE 1-5, the names
being fictitious and presently unknown, being Police
Officers employed by the City of New York,

Defendants.

**SCHEDULING ORDER
PURSUANT TO RULE 26(F)**

07 CV 06127 (RJH)(AJP)

Jury Trial Demanded

Pursuant to the Court's October 11, 2007 order, and prior to the Initial Pre Trial
Conference scheduled for December 17, 2007 at 10:30 a.m., the parties have conferred and
agreed on the following discovery plan pursuant to Rule 26(f)

1. Counsel

Attorneys for Plaintiffs

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2. Basis for Jurisdiction

3. Description of the Case

Plaintiffs' Version of Events

The Police came to the home of the Plaintiff and behaved in a hostile and confrontational manner. The Plaintiff was "Tasered" by the Police without just cause or provocation. The Police maliciously "Tasered" the plaintiff after the Tasing officer announced "It's Taser Time". The Police could not have reasonably believed that the plaintiff represented a threat to himself or others as the Police deposited the plaintiff at a hospital after Tasing him without physical restraints or police supervision.

Defendant's Version of Events

The City of New York submits that police officers responded to apartment #2A located in 401 West 16 Street, New York, New York, on July 5, 2006, in response to a 911 made by plaintiff's sister claiming that plaintiff was suicidal. Plaintiff refused to cooperate with police officers and accompany officers to the hospital. Plaintiff was ultimately transported to St. Vincent's Hospital via ambulance.

4. Relief Sought

Financial Compensation.

5. Defenses (stated without prejudice to any other defense that may be available after discovery)

Defendant The City of New York has not violated any rights, privileges or immunities under the Constitution or laws of the United States or the State of New York, has no personal involvement in any incident alleged in plaintiff's Complaint and was not the result of any act of the Defendant The City of New York.

6. Contemplated Motions

Defendant The City of New York respectfully reserves the right to move for summary judgment at the close of discovery.

7. Joinder of Parties and Amendments to Pleadings

Except for good cause shown, no additional parties may be joined, no additional causes of action may be asserted after February 21, 2008.

8. Interrogatories

Interrogatories and requests for production of documents shall be served on or before January 4, 2008.

9. Fact Discovery

All factual discovery shall be completed on or before May 28, 2008.

10. Expert Discovery

If plaintiff seeks to introduce expert testimony in its case-in-chief plaintiff shall identify each expert by name and field of expertise no later than May 28, 2008.

If defendant seeks to introduce expert testimony in its case-in-chief defendant shall identify each expert by name and field of expertise no later than June 28, 2008.

All expert discovery is to be completed no later than July 28, 2008.

11. Dispositive Motions

Except for good cause shown no pre-trial motions shall be filed after August 28, 2008.

12. Final Pre-trial Order

A completed joint pre-trial order shall be submitted by TO BE DETERMINED.

13. Demand for Jury Trial

Plaintiff has made a demand for a jury trial.

14. Anticipated Length of Trial

The parties anticipate this trial to last approximately 4 days.

15. Referral To Magistrate Judge

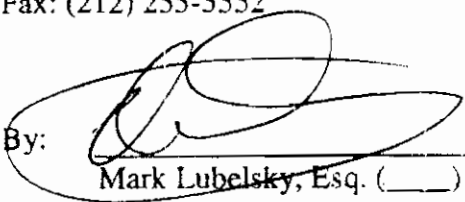
At this time, the parties do not consent to trial of this case by a magistrate judge.

Dated: New York, New York
December 12, 2007

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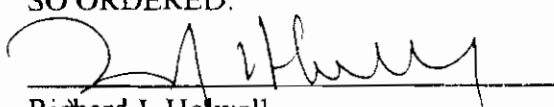
By:


Mark Lubelsky, Esq. () 967 958

By:


Meghan A. Cavalieri (MC 6758)

SO ORDERED:


Richard J. Holwell
United States District Court Judge

12/17/07

A status conference shall
be held on June 6, 2008
at 10:00 am.